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13
14 IN THE UNITED STATES DISTRICT COURT
15 FOR THE EASTERN DISTRICT OF CALIFORNIA

16
17 UNITED STATES OF AMERICA,
18 Plaintiff,
19 vs.
20 DAVID RAY,
21 Defendant.

22 Case No. 1:20-cr-00125-DAD

23 **STIPULATION TO MODIFY CONDITIONS
24 OF SUPERVISED RELEASE; ORDER**

25
26 IT IS HEREBY STIPULATED by and between the parties through their respective
27 counsel, Assistant United States Attorney Antonio Pataca, counsel for plaintiff, and Assistant
28 Federal Defender Reed Grantham, counsel for David Ray, that the conditions of Mr. Ray's
supervised release be modified to include the following condition:

1. The defendant shall be monitored for a period of up to 1 month, with
location monitoring technology, which may include the use of radio
frequency (RF) or Global Positioning System (GPS) devices, at the
discretion of the probation officer. The defendant shall abide by all
technology requirements and shall pay the costs of location monitoring
based upon their ability to pay as directed by the probation officer. In
addition to other court-imposed conditions of release, the defendant's
movement in the community shall be restricted as follows:

a. The defendant shall be restricted to his residence at all times except
for employment; education; religious services; medical, substance
abuse, or mental health treatment; attorney visits; court appearances;

court-ordered obligations; or other activities as pre-approved by the probation officer; (Home Detention).

By way of background, this Court sentenced Mr. Ray to a term of time-served on June 14, 2021, imposed a term of supervised release and ordered, as a special condition of his supervised release, that he reside and participate in the Teen Challenge Reedley inpatient correctional treatment program to obtain assistance for drug and/or alcohol abuse. *See Dkt. #15.* That same day, Mr. Ray was ordered released so that he could be admitted into the Teen Challenge program. *See Dkt. #16.* Pursuant to the terms of that release, Mr. Ray was to be taken directly to the Teen Challenge program, or, if a COVID-19 test result was needed, to go to a local clinic to be tested and to obtain a test result. *See Dkt. #16.* The Order further specified that if Mr. Ray was not admitted to Teen Challenge due to a positive COVID-19 test, he was to return to the Fresno County Jail. *See Dkt. #16.*

At the time of Mr. Ray's release, the Fresno County Jail did not provide him with a COVID-19 test result.¹ Accordingly, upon his release, Mr. Ray went to a clinic located in Fresno, California, to take a rapid COVID-19 test. Unfortunately, Mr. Ray's rapid COVID-19 test came back positive. After learning of the positive test, Mr. Ray contacted undersigned counsel and informed counsel of the positive test. Undersigned counsel then contacted Teen Challenge Reedley to determine whether the program would admit Mr. Ray despite his positive test. Teen Challenge Reedley indicated that it could not accept Mr. Ray until he has tested negative. Upon learning this, undersigned counsel instructed Mr. Ray to return to the jail to be booked back into custody and then contacted probation officer Laura Del Villar, who also instructed Mr. Ray to return to the Fresno County Jail.

However, upon arriving at the jail and informing the jail that he was to be booked back into custody, the jail indicated that it could not take him back into custody. Throughout this time, Mr. Ray remained in communication with undersigned counsel and Officer Del Villar. When it

¹ At the sentencing hearing, Mr. Ray indicated that on Friday, June 11, 2021, the Fresno County Jail administered a COVID-19 test to him at the jail. At that time, he was told that the test result would be provided to him at the time of his release. However, according to Mr. Ray, at the time of his release, the Fresno County Jail indicated that it did not have a record of his test and accordingly had no test result to provide to him.

became clear that the Fresno County Jail would not be taking him back into custody, Officer Del Villar instructed Mr. Ray to reside at his mother's residence and to await instructions.

Mr. Ray remains eligible to attend and participate in Teen Challenge Reedley's program, and Teen Challenge has indicated it will still admit him but cannot do so until he tests negative for COVID-19. After discussions with Officer Del Villar, the parties hereby agree and stipulate that Mr. Ray remain released on the previously ordered terms and conditions of his supervised release, and that in addition, the Court impose the location monitoring (at home detention restriction level) condition above. Officer Del Villar has provided the language for this condition and has reviewed and approved of the above. This condition is intended to remain in effect until Mr. Ray tests negative for COVID-19 and is admitted into the Teen Challenge Reedley program. Accordingly, the parties request that the Court impose the condition above.

Respectfully submitted,

PHILLIP A. TALBERT
Acting United States Attorney

Date: June 15, 2021

/s/ Antonio Pataca
ANTONIO PATACA
Assistant United States Attorney
Attorney for Plaintiff

HEATHER E. WILLIAMS
Federal Defender

Date: June 15, 2021

/s/ Reed Grantham
REED GRANTHAM
Assistant Federal Defender
Attorney for Defendant
DAVID RAY

ORDER

IT IS SO ORDERED. Mr. Ray's term of supervised release is hereby modified to include the location monitoring (home detention) condition as set forth in the parties' stipulation.

IT IS SO ORDERED.

Dated: June 15, 2021

Dale A. Droyd

UNITED STATES DISTRICT JUDGE